

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Leigh H. English et al.

Serial No.: 09/427,770

Filed: October 27, 1999

For: **COLEOPTERAN-RESISTANT
TRANSGENIC PLANTS AND METHODS
OF THEIR PRODUCTION (Amended)**

Group Art Unit: 1638

Examiner: Anne R. Kubelik

Atty. Dkt. No.: 11792.0218.DVUS00
MECO:218

**CORRESPONDENCE ADDRESS
ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73
AND POWER OF ATTORNEY**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Please direct all communications as follows:

Patricia A. Kammerer
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057
(713) 787-1400

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

The Assignee hereby revokes any previous Powers of Attorney and appoints:

T. K. Ball, Reg. No. 42,287; George R. Beck, Reg. No. 21,180; Gary M. Bond, Reg. No. 29,283; Grace L. Bonner, Reg. No. 32,963; Alissa M. Eagle, Reg. No. 37,126; Christopher E. Flick, Reg. No. 42,538; Dennis R. Hoerner, Jr., Reg. No. 30,914; Thomas E. Kelley, Reg. No. 29,938; Lawrence M. Lavin, Jr., Reg. No. 30,768; E. Clifford Lawson, Reg. No. 46,860; Thomas P. McBride, Reg. No. 32,706; Michael J. Roth, Reg. No. 29,342; Joseph A. Schaper, Reg. No. 30,493; Donna E. Scherer, Reg. No. 34,719;

HOWREY SIMON ARNOLD & WHITE, LLP

Brian K. Stierwalt, Reg. No. 33,213; and Martha J. Yates, Reg. No. 47,194, each an attorney or patent agent with MONSANTO COMPANY, so long as they remain with such company,

and


John F. Lynch, Reg. No. 22,504; J. Paul Williamson, Reg. No. 29,600; John D. Norris, Reg. No. 28,246; Patricia A. Kammerer, Reg. No. 29,775; Stephen H. Cagle, Reg. No. 26,445; Melinda L. Patterson, Reg. No. 33,062; Susan K. Knoll, Reg. No. 33,254; L. Gene Spears, Reg. No. 35,369; Janelle D. Waack, Reg. No. 36,300; Ira D. Finkelstein, Reg. No. 44,680; Carter J. White, Reg. No. 41,374; Darrell Dotson, Reg. No. 44,661; Connie Flores-Jones, Reg. No. 41,755; Matthew Madsen, Reg. No. 45,594; Robert Auerbach, Reg. No. 46,525; Raymond Reese, Reg. No. 47,891; and Amy G. Klann, Reg. No. 48,155; each an attorney or patent agent with the law firm of HOWREY SIMON ARNOLD & WHITE, LLP, as its attorney so long as they remain with such law firm,

with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to MONSANTO TECHNOLOGY LLC referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to MPEP § 324(2), the undersigned avers that he is empowered to sign this statement on behalf of assignee.

ASSIGNEE: MONSANTO TECHNOLOGY LLC

Date: 15 May, 2002 By: 
Name: Grace L. Bonner
Registration No. 32,963
Title: Intellectual Property Counsel

ASSIGNMENT:

☐ Concurrently filed
☐ Previously submitted
☒ Previously Recorded:
Date: June 13, 2001
Reel: 012350
Frame: 0224

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **NUCLEIC ACID SEGMENTS ENCODING MODIFIED COLEOPTERAN-TOXIC CRYSTAL PROTEINS**, the Specification of which:

- ☐ is attached hereto.
☒ was filed on **December 18, 1997** as Application Serial No. **08/993,722**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

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N/A

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I hereby direct that all correspondence and telephone calls be addressed to Barbara S. Kitchell, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210, (512) 418-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the united states code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Leigh	H.	English
Inventor's Signature:	<i>Leigh H. English</i>		
Country of Citizenship:	U. S. A.	Date:	3/11/98
Residence Address: (street, number, city, state, and/or country)	120 Chapel Dr. Churchville, PA 18966		
Post Office Address: (if different from above)			

Inventor's Full Name:	Susan	M.	Brussock
Inventor's Signature:	<i>Susan M. Brussock</i>		
Country of Citizenship:	USA	Date:	3/12/98
Residence Address: (street, number, city, state, and/or country)	7 Hillside Lane New Hope, PA 18938		
Post Office Address: (if different from above)			

Inventor's Full Name:	Thomas	M.	Malvar
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	James	W.	Bryson
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Caroline	A.	Kulesza
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Frederick	S.	Walters
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Stephen	L.	Slatin
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Michael	A.	Von Tersch
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Charles		Romano
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

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Inventor's Full Name:	Leigh	H.	English
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Susan	M.	Brussock
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Thomas	M.	Malvar
Inventor's Signature:	<i>Thomas M. Malvar</i>		
Country of Citizenship:	U.S.A.	Date: 3-16-98	
Residence Address: (street, number, city, state, and/or country)	12046 Charter House Lane St. Louis, MO 63146		
Post Office Address: (if different from above)			

Inventor's Full Name:	James	W.	Bryson
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Caroline	A.	Kulesza
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Frederick	S.	Walters
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Stephen	L.	Slatin
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Michael	A.	Von Tersch
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Charles		Romano
Inventor's Signature:			
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Post Office Address: (if different from above)			

Inventor's Full Name:	James	W.	Bryson
Inventor's Signature:	<i>James W. Bryson</i>		
Country of Citizenship:	USA	Date:	03-13-98
Residence Address: (street, number, city, state, and/or country)	87 Wood Stream Drive Langhorne, PA 19053		
Post Office Address: (if different from above)			

Inventor's Full Name:	Caroline	A.	Kulesza
Inventor's Signature:			
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Inventor's Signature:			
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Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Caroline	A.	Kulesza
Inventor's Signature:	<i>Caroline A. Kulesza</i>		
Country of Citizenship:	USA	Date: 3.15.98	
Residence Address: (street, number, city, state, and/or country)	301 Old Lynchburg Rd. Charlottesville, VA 22903		
Post Office Address: (if different from above)			

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Inventor's Signature:			
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Inventor's Signature:	Frederick S. Walters		
Country of Citizenship:	U.S.A.	Date: 3/20/98	
Residence Address: (street, number, city, state, and/or country)	3413 6th Ave. Beaver Falls, PA 15010		
Post Office Address: (if different from above)	SAME		

Inventor's Full Name:	Stephen	L.	Slatin
Inventor's Signature:			
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Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

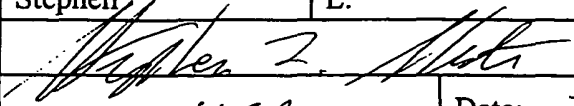
Inventor's Full Name:	Susan	M.	Brussock
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Thomas	M.	Malvar
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	James	W.	Bryson
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Caroline	A.	Kulesza
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Frederick	S.	Walters
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Stephen	L.	Slatin
Inventor's Signature:			
Country of Citizenship:	USA	Date:	7/12/98
Residence Address: (street, number, city, state, and/or country)	3823 Leslie Pl. Fair Lawn NJ 07410		
Post Office Address: (if different from above)			

Inventor's Full Name:	Michael	A.	Von Tersch
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Charles		Romano
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **NUCLEIC ACID SEGMENTS ENCODING MODIFIED COLEOPTERAN-TOXIC CRYSTAL PROTEINS**, the Specification of which:

- ☐ is attached hereto.
☒ was filed on **December 18, 1997** as Application Serial No. **08/993,722**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

N/A

(Application Serial No.)	(Filing Date)	(Status)
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(Application Serial No.)	(Filing Date)	(Status)
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I hereby direct that all correspondence and telephone calls be addressed to Barbara S. Kitchell, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210, (512) 418-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the united states code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Leigh	H.	English
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Susan	M.	Brussock
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Thomas	M.	Malvar
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	James	W.	Bryson
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Caroline	A.	Kulesza
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Frederick	S.	Walters
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Stephen	L.	Slatin
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Michael	A.	Von Tersch
Inventor's Signature:	<i>Michael G. von Tersch</i>		
Country of Citizenship:	USA	Date:	4-28-98
Residence Address: (street, number, city, state, and/or country)	14 Rutledge Ave Ewing Township NJ 08618		
Post Office Address: (if different from above)	14 Rutledge Ave Trenton NJ 08618		

Inventor's Full Name:	Charles		Romano
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **NUCLEIC ACID SEGMENTS ENCODING MODIFIED COLEOPTERAN-TOXIC CRYSTAL PROTEINS**, the Specification of which:

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N/A

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statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the united states code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Leigh	H.	English
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Susan	M.	Brussock
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Thomas	M.	Malvar
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

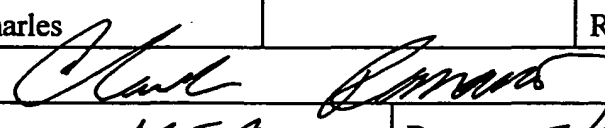
Inventor's Full Name:	James	W.	Bryson
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Caroline	A.	Kulesza
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Frederick	S.	Walters
Inventor's Signature:			
Country of Citizenship:			Date:
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Stephen	L.	Slatin
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Michael	A.	Von Tersch
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)			
Post Office Address: (if different from above)			

Inventor's Full Name:	Charles		Romano
Inventor's Signature:			
Country of Citizenship:	USA	Date: 5/24/98	
Residence Address: (street, number, city, state, and/or country)	2402 Maple Crossing Dr Ballwin, MO 63011		
Post Office Address: (if different from above)			